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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PATRICK HICKMAN,

Plaintiff(s),

v.

KENNETH MEAD, *et al.*,

Defendant(s).

Case No.: 2:18-cv-00404-GMN-NJK

**Order**

(Docket No. 72)

Pending before the Court is Defendant Kenneth Mead's motion to file a surreply to Plaintiff's motion to compel discovery. Docket No. 72. The Court has considered Defendant's motion and Plaintiff's response in opposition. Docket Nos. 72, 73. No reply was filed. *See* Docket. The Court finds that the motion for leave is properly resolved without a hearing. *See* Local Rule 78-1.

"A party is generally prohibited from raising new issues for the first time in its reply brief" because the opposing party is not afforded an opportunity to respond. *Queensridge Towers LLC v. Allianz Global Risk US Ins. Co.*, 2015 WL 1403479 at \*3 (D. Nev. Mar. 26, 2015) (citing *Eberle v. City of Anaheim*, 901 F.2d 814, 818 (9th Cir. 1990)). Therefore, "[w]here the moving party presents new matters for the first time in a reply brief, the Court may either refuse to consider the new matters or allow the opposing party an opportunity to respond." *Steven Cohen Prods. Ltd. v. Lucky Star, Inc.*, 2015 WL 3555384 at \*3 (D. Nev. June 5, 2015) (citing *Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007)). The Local Rules permit the filing of a surreply only with leave of

1 court. Local Rule 7-2(b). Further, a surreply may “only address new matters raised in a reply to  
2 which a party would otherwise be unable to respond.” *Steven Cohen Prods. Ltd.*, 2015 WL  
3 3555384 at \*3.

4 The Court finds that Defendant has demonstrated good cause to file his surreply.  
5 Accordingly, the Court hereby **GRANTS** Defendant’s motion for leave to file a surreply, solely  
6 to address the new matters raised in Plaintiff’s reply to his motion to compel. Docket No. 72.  
7 Defendant’s surreply shall be filed no later than March 13, 2019.

8 IT IS SO ORDERED.

9 Dated: March 12, 2019

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13 NANCY J. KOPPE  
14 United States Magistrate Judge  
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